In the Supreme Court of the United States

OCTOBER TERM, 1973

No. 72-1574

BOB LAWRENCE REALTY, INC. AND
BOBBY L. LAWRENCE, PETITIONERS

v.

UNITED STATES OF AMERICA

ON PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE FIFTH CIRCUIT

MEMORANDUM FOR THE UNITED STATES IN OPPOSITION

The United States brought this action pursuant to the Fair Housing Act, Title VIII of the Civil Rights Act of 1968, 42 U.S.C. 3601 *et seq.*, alleging, *inter alia*, that petitioners and four other real estate companies were individually and as a group engaged in a "pattern or practice" of "blockbusting" in violation of 42 U.S.C. 3604(e). The district court found that petitioners, through their agents, had violated Section 3604(e). The court held that although these violations, viewed alone, did not amount to an individual pattern or practice by the petitioners, they constituted part of a group pattern or practice of "blockbusting" engaged in by all the named de-

fendants.[1] The court therefore enjoined petitioners and their co-defendants from participating in further unlawful conduct (Pet. App. A). The court of appeals affirmed (Pet. App. B).

Petitioners here raise (Pet. 10-11, 13-14) the same constitutional issues with respect to the validity of Section 3604(e) which the court of appeals fully considered and rejected in a thorough opinion on which we rely. Petitioners further contend (Pet. 11-12) that they were denied due process by being found to have participated in an illegal group pattern or practice "when *individually* [they committed] no wrongful act" (Pet. 12; emphasis in original); but since petitioners were expressly found to have violated the statute (Pet. App. A, 3; Order of January 29, 1971), their due process claim lacks foundation in fact.

It is therefore respectfully submitted that the petition for a writ of certiorari should be denied.

ROBERT H. BORK,
Solicitor General.

JUNE 1973.

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[1]The existence of a "pattern or practice" of unlawful conduct is relevant to the Attorney General's enforcement authority under 42 U.S.C. 3613, but is not an element of the violation of 42 U.S.C. 3604 (e).